IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND SEVEN.

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No. 24598 of 2007

Between:

Sri Tanguturu Venkatakrishna Reddy … Petitioner

Versus

The Govt.of Andhra Pradesh,
Represented by its Secretary,
Dept.of Industries & Commerce (M-II),
Secretariat Building, Hyderabad & Ors. … Respondents

Counsel for the Petitioner: Sri S. Srinivas Reddy,

Counsel for the Respondents: GP for Mines & Geology
SRI G. PEDDA BABU
SRI K. BATHI REDDY for R4.

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No. 24598 of 2007

O R D E R :

The matter came up for admission on 23-11-2007.

Sri G.Pedda Babu, the learned Counsel representing Respondent No.4 filed counter-affidavit.

2. Heard Sri S. Srinivas Reddy, the learned counsel for the petitioner and the learned Assistant Govt.Pleader for Industries R1, R2, R3 and Sri G.Pedda Babu, representing Respondent No.4.

3. Sri S.Srinivas Reddy, representing the writ petitioner would submit that the first respondent vacating the interim order without putting the writ petitioner on notice is totally unjustified and hence without going into merits and demerits of the matter, let the matter be remitted again to the first respondent to reconsider the same.

4. The learned Assistant Govt.Pleader for Industries would submit that the first respondent making such an order without putting the writ petitioner on notice and without affording opportunity to the writ petitioner may not be just and proper.

5. Sri G.Pedda Babu, the learned Counsel representing

Respondent No.4 would submit that this is a peculiar case where straightaway the revisional jurisdiction had been invoked. Further the counsel would submit that here is a case initially where a caveat was lodged but however Respondent No.4 was not put on notice at all while making an interim order. The counsel would also maintain that in the event of the writ court interfering with the present order it would amount to reviving yet another order, which in fact had been made even without putting Respondent No.4 on notice though caveat had been lodged. Certain submissions are made relating to the applicability or other wise of Section 148-A of the Code of Civil Procedure in relation to the proceedings before the first respondent. It is needless to say that the provisions of Section 148-A of the Code of Civil Procedure, as such, may not be applicable to the present case but the principles underlying thereto may have to be observed. However, this court is not inclined to go into merits and demerits of the matter relating to the other aspects, at this stage.

6. The writ petition is filed for a writ of mandamus, declaring the order of the first respondent made in Memo.No. 14876/M.II/(1)/2007/2, dated 12-11-2007 in vacating the order of stay in Revision Case No.14876/MII(1) 2007 without notice to the

petitioner as arbitrary, illegal, contrary to the principles of natural justice and violative of the fundamental rights guaranteed to the petitioner under the Constitution of India and the action of the second respondent in granting quarry lease in Proceedings No.1165/Q5/2007, dated 01-09-2007 in favour of the fourth respondent over an extent of Ac:2-80 cents in survey no.1080 of Vadlapudi village, Manubole Mandal, Nellore district as illegal, arbitrary, without jurisdiction, violative of the principles of natural justice and fundamental rights guaranteed too the petitioner under the constitution of India and contrary to A.P. Minor Mineral Concession Rules, 1966 and to pass such other suitable order as this Court may deems fit and proper in the circumstances of the case.

7. Several facts had been narrated in the affidavit filed in support of the writ petition and equally in the counter affidavit filed by the fourth respondent.

8. Without going into other merits and demerits of the matter, this Court is inclined to set aside the impugned order and remit the matter to the first respondent. Let the first respondent to dispose of the main revision itself within a period of two weeks from the date of receipt of a copy of this order.

9. Accordingly the writ petition is disposed of at the stage of admission. No costs.

JUSTICE P . S .
NARAYANA .
30/11/2007.

-
-
-
-

-
-
NB:

Furnish CC tomorrow.
B/o ISL.